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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,264	09/16/2003	Dirk Wertenbruch	50325-0778	3449
29989 7590 08/06/2007 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110			EXAMINER TRAN, ELLEN C	
			ART UNIT 2134	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,264

Applicant(s)

WERTENBRUCH ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. This action is responsive to communication filed on: 18 May 2007 with acknowledgement of an original application filed on 16 September 2003.
2. Claims 1-41 are pending; claims 1, 10, 14, 15, 24, and 33 are independent claims. Claim 40 has have been amended. Amendments to the claims are accepted.

Response to Arguments

3. Applicant's argument with respect to the claim objection has been considered and the objection is removed due to amendment of the claim.

Applicant's arguments filed 18 May 2007 with respect to the prior art rejection has been fully considered however they are not persuasive.

In response to Applicant's argument beginning on page 10, "The Li and Fijolek references do not teach at least the following limitation in independent Claim 1: "obtaining, using the secondary signaling technology, a unique link identifier that is associated with the network link using the secondary signaling technology". Although Li teaches an Internet access device with at least two physical interfaces, nowhere does it disclose obtaining a unique link identifier associated with one of these physical interfaces. The combination of Li with Fijolek also fails to teach the limitation in independent Claim 1 described above. Fijolek merely discloses that a network device receiving a connection request from a requesting device may examine a database to see if information about the requesting device, such as a telephone number, is available. However, Fijolek does not teach using telephone numbers as authentication Ids. More significantly, Fijolek does not teach obtaining a telephone number or any other unique link identifier using a secondary signaling technology. In fact, the telephone numbers mentioned in Fijolek are obtained from information already stored on databases.

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Similarly, the combined Li and Fijolek references also fail to teach at least the following limitations in independent Claims 10, 14, 15, 24, and 33". The Examiner disagrees with arguments. In summary the argument "obtaining a unique link identifier associated with one of these interfaces", which is understood to mean the following from Claim 1 "obtaining, using the secondary signaling technology, a unique link identifier that is associated with the network link using the secondary signaling technology". Applicant indicates that this is not taught in the rejection. The Examiner disagrees and notes that Li teaches two signaling technologies, i.e. a standard analogue telephone line and higher-speed line such as ISDN, see col. 3, lines 46-53. In addition Li teaches that the user enters a local telephone number in col. 11, lines 56-65. The Fijolek references teaches that the unique identifier can be obtained from a secondary signaling technology, such as from a database.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-41**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. U.S. Patent No. 6,012,088 (hereinafter '088) in view of Fijolek et al. US Patent No. 6,351,773 (hereinafter '773).

As to independent claim 1, "A method of authenticating a network device, comprising the computer-implemented steps of: determining that a network link that uses

a primary signaling technology and a secondary signaling technology is coupled to the network device” is taught in ‘088 col. 3, lines 39-45;

“establishing the unique link identifier as a unique device identifier; and authenticating the network device to a service provider by communicating the unique device identifier to the service provider over the network link using the primary signaling technology” is shown in ‘088 col. 11, line 55 through col. 12, line 26;

the following is not explicitly taught in ‘088: **“obtaining, using the secondary signaling technology, a unique link Identifier that is associated with the network link using the secondary signaling technology”** however ‘773 teaches that a parameter could be the calling party’s phone number in col. 32, lines 8-11.

It would have been obvious to one of ordinary skill in the art at the time of a method for automatic configuration for internet access devices taught in ‘088 to include a means utilize the number of the customer premises as a configuration parameter. One of ordinary skill in the art would have been motivated to perform such a modification to protect the access to a network see ‘773 (col. 2, lines 53 et seq.) “Since the cable modem termination system typically manages connections to tens of thousands of cable modems and customer premise equipment, the cable modem termination system provides access to subscription services for the data-over-cable system as well as access to a subscription data network such as the Internet. There are several problems associated with providing access to subscription services in both the data-over-cable system and the data network for tens of thousand of cable modems and customer premise equipment. If the cable modem termination system does not provide security checks, a rogue

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cable modem could comprise the security of the cable plant and/or connections to the data network”.

As to dependent claim 2, “further comprising the steps of receiving a configuration from the service provider over the network link using the primary signaling technology” is taught in ‘088 col. 12, lines 38-48.

As to dependent claim 3, “wherein the secondary signaling technology is integrated services digital network (ISDN) signaling” is shown in ‘088 col. 3, lines 54-61.

As to dependent claim 4, “wherein the secondary signaling technology is ISDN, and wherein the unique link identifier is a telephone number associated with an ISDN Line coupled to the network device” is disclosed in ‘088 col. 3, lines 54-61.

As to dependent claim 5, “wherein the secondary signaling technology is ISDN, and wherein the obtaining step comprises obtaining a telephone number associated with an ISDN line coupled to the network device using a caller ID function” however ‘773 teaches a calling number can be parameter in col. 32, lines 8-11.

As to dependent claim 6, “ wherein the network device is a residential broadband router, wherein the primary signaling technology is asynchronous digital subscriber line (ADSL)” is disclosed in ‘088 col. 7, lines 3-11;

“and wherein the secondary signaling technology is ISDN” is taught in ‘088 col. 3, lines 46-53.

As to dependent claim 7, “wherein the network device is a residential broadband router, wherein the primary signaling technology is ADSL” is disclosed in ‘088 col. 7, lines 3-11

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“wherein the secondary signaling technology is ISDN” is taught in ‘088 col. 3, lines 46-53;

“and wherein the unique link identifier is a telephone number associated with an ISDN line” however ‘773 teaches the calling number can be a parameter in col. 32, lines 8-11.

As to dependent claim 8, **“wherein the step of registering the network device with a service provider comprises using the ADSL line to connect to a Cisco Intelligent Engine 2100 (IE2100) device associated with the service provider, and providing the unique device identifier to the IE2100”** is shown in ‘088 col. 6, lines 12-33, note an IE is interpreted to be equivalent to a Cisco Router.

As to dependent claim 9, **“wherein the step of registering the network device with a service provider comprises using the primary signaling technology to connect to a configuration server associated with the service provider, and providing the unique device identifier to the configuration server”** is disclosed in ‘088 col. 12, lines 9-26.

As to independent claim 10, **“A method of authenticating a broadband customer premises network device that is communicatively coupled to an ISDN line that supports ADSL over ISDN”** is taught in ‘088 col. 3, lines 39-45, col. 3, lines 54-61, and col. 7, lines 3-11;

“establishing the ISDN telephone number as a unique identifier of the broadband customer premises network device; and authenticating the network device to a broadband network service provider by providing the unique identifier to the service provider using ADSL communication over the ISDN line” is shown in ‘088 col. 11, line 55 through col. 12, line 26;

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the following is not explicitly taught in '088: **“the method comprising the computer-implemented steps of: obtaining, using the ISDN line, an ISDN telephone number uniquely associated with the ISDN line”** however '773 teaches that a parameter could be the calling party's phone number in col. 32, lines 8-11.

It would have been obvious to one of ordinary skill in the art at the time of a method for automatic configuration for internet access devices taught in '088 to include a means utilize the number of the customer premises as a configuration parameter. One of ordinary skill in the art would have been motivated to perform such a modification to protect the access to a network see '773 (col. 2, lines 53 et seq.) .

As to dependent claims 11-13, these claims contain substantially similar subject matter as claims 2, 5, and 8; therefore they are rejected along similar rationale.

As to independent claim 14, **“A method of deploying a network device, comprising the steps of: receiving a customer premises equipment (CPE) device at a customer premises; coupling a network link that supports a primary signaling technology and a secondary signaling technology to the network device”** is taught in '088 col. 3, lines 39-45;

“connecting to a network service provider using the primary signaling technology, authenticating the CPE device to a service provider by providing the unique device identifier over the network link using the primary signaling technology” is shown in '088 col. 11, line 55 through col. 12, line 26;

“and receiving, from the service provider, a configuration for the CPE device over the network link” is taught in '088 col. 12, lines 38-48.

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the following is not explicitly taught in '088: **“obtaining, using the secondary signaling technology, a unique link identifier associated with the network link; establishing the unique link identifier as a unique identifier of the CPE device”** however '773 teaches that a parameter could be the calling party's phone number in col. 32, lines 8-11.

It would have been obvious to one of ordinary skill in the art at the time of a method for automatic configuration for internet access devices taught in '088 to include a means utilize the number of the customer premises as a configuration parameter. One of ordinary skill in the art would have been motivated to perform such a modification to protect the access to a network see '773 (col. 2, lines 53 et seq.)

As to independent claim 15, is a computer-readable medium carrying out the method of claim 1; therefore it is rejected along the same rationale.

As to dependent claims 16-23, these claims contain substantially similar subject matter as claims 2-9; therefore they are rejected along similar rationale.

As to independent claim 24, is directed to an apparatus carrying out the method of claim 1; therefore it is rejected along the same rationale.

As to dependent claims 25-32, these claims contain substantially similar subject matter as claims 2-9; therefore they are rejected along similar rationale.

As to independent claim 33, is directed to an apparatus carrying out the method of claim 1; therefore it is rejected along the same rationale.

As to dependent claims 25-41, these claims contain substantially similar subject matter as claims 2-9; therefore they are rejected along similar rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ET

Ellen Tran
Patent Examiner
Technology Center 2134
27 July 2007



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER